



City of Greenville

Notice of Administrative Decision for Application # CU 15-720

This public notice is mailed to property owners within 300 feet of the subject property

Applicant: BW Greenville LLC dba "Brazwells Premium Pub"

Property Owner: Timberland Capital Investments

Property Address: 631 S Main Street

TMS #: 0089000101101

Application: Conditional Use Permit to operate a restaurant past midnight until 2 AM

Decision: Denied

By application filed October 12, 2015 the Applicant, **BW Greenville, LLC** requested a Conditional Use pursuant to Section 19-2.3.6, *Conditional Use Permit*; Section 19-4.1, *Table of Uses*; and Section 19-4.3.3(D)(10), *Use Specific Standards, Nightclub or Bar* of the Greenville City Code to operate a "restaurant to be open after midnight" in the C-4, Central Business District. Notice was mailed to property owners within 300 feet of the subject property on November 12, 2015. The Applicant met with the Technical Advisory Committee on November 16, 2015.

Findings of the Zoning Administrator:

- The application required a conference meeting with the Technical Advisory Committee (TAC). The Technical Advisory Committee made sufficient findings to recommend denial of the permit, as part of the Report of the Technical Advisory Committee to the Zoning Administrator.
- The use does not comply with the following **standards for granting a special exception** (19-4.3.3(D)(10) and 19-2.3.5):

The proposed use is not appropriate for its location and is not compatible with the character of surrounding lands. The subject property is located within the West End Historic District, and is adjacent to Falls Park. The area is characterized by unique retail shops, restaurants, services, and residential units in small buildings along Main Street. Almost all surrounding businesses are closed by midnight; the closest establishment open late is approximately 660 feet away on Falls Park Drive and the closest on Main Street is approximately 890 feet.

The proposed use has been described as a full-service restaurant serving alcohol; however, it appears to transform into a nightclub where only patrons aged 21+ will be allowed in the establishment after 10 PM. Proposed live DJ entertainment up to twice a week would also encourage a bar or nightclub atmosphere rather than restaurant. The neighborhood has struggled with the impacts of a previous restaurant/nightclub in this location, including late night noise, litter and crime, and behavior of patrons associated with over-drinking.

The proposed use does not sufficiently minimize adverse effects on adjacent lands. The proposal emphasizes that the use is a restaurant and does not sufficiently address the impacts that would be caused by essentially transforming into a late night nightclub. For example, a large outdoor patio opens towards Main Street and Falls Park and would be operated after midnight, seven days a week. Besides noise from this area affecting surrounding lands,

access to the patio from the sidewalk should be controlled when an age limit is being enforced. Additional measures should address the impacts of amplified live or recorded music from both inside and outside the establishment, including low frequency bass.

- Public comment letters were received by the Planning and Development office in response to the public notice of the application. Neighboring residents, business, and property owners expressed concerns about potential noise from the establishment after midnight, unruly patrons on sidewalks, parking and traffic issues, and potential for increased crime in the neighborhood.

Appeal:

Any person believing that the administrator erred in its decision has the right to appeal the decision to the City of Greenville Board of Zoning Appeals. The appeal form and fee must be submitted to the Planning and Development office within 10 business days after the decision is made, and must state the reasons he or she believes the decision is illegal, either in whole or in part.



Michael Kerski
Planning & Development Manager

12/15/15
Date

Application # CU 15-720 Fees Paid _____
Date Received: 10-2-2015 Accepted by _____
Date deemed complete _____ App Deny Conditions _____



APPLICATION FOR CONDITIONAL USE CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*:

*Operator of the proposed use;
permit may be limited to this entity.

Name

Title / Organization

APPLICANT'S REPRESENTATIVE:
(Optional)

Name

Title / Organization

MAILING ADDRESS:

PHONE:

EMAIL:

PROPERTY OWNER:

MAILING ADDRESS:

PHONE:

EMAIL:

PROPERTY INFORMATION

STREET ADDRESS:

TAX PARCEL #:

ACREAGE:

ZONING DESIGNATION:

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Restaurant + Pub

Open Lunch + Dinner + Late Night (Full Service Restaurant)

INSTRUCTIONS

1. The application and fee, made payable to the City of Greenville, must be submitted to the planning and development office during normal business hours.
2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a conditional use). See also *Section 19-2.3.6, Conditional Use Permit*, for additional information. You may attach a separate sheet addressing these questions.
3. For conditional use requests for nightclubs/bars, event venues, or businesses operating after midnight, the applicant must also submit the Zoning Compliance Application for Establishments Serving Beer, Wine, or Liquor.

4. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

5. You must attach the required application fee: \$250.00

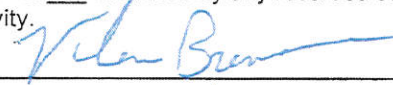
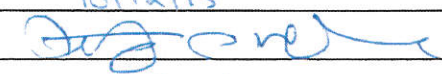
6. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to routing the application for staff review. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant and advise them to withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is _____ or is not _____ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

	APPLICANT SIGNATURE
10/12/15	DATE
	PROPERTY OWNER SIGNATURE
10/27/15	DATE

Applicant Response To
Section 19-2.3.6(D), Standards – Conditional Use Permit

(You may attach a separate sheet)

1. Describe the ways in which the proposal complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of **Section 19-4.3, Use Specific Standards**.

- Retail - Restaurant Business Operating in the
- Central Business District in Compliance with City

2. Describe the ways in which the infrastructure (roads, potable water, sewerage, schools, parks, police, fire, and emergency facilities) capacity is adequate to serve the proposed conditional use.

- Use & Occupancy - The same as previous business
- Restaurant Served by - City of Greenville Sewer - Duke Energy
- Piedmont Gas - HeWa -

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ZONING COMPLIANCE APPLICATION
ESTABLISHMENTS SERVING BEER, WINE, OR LIQUOR

APPLICANT

MAILING ADDRESS 1

MAILING ADDRESS 2

EMAIL

PHONE

SIGNATURE OF APPLICANT

DATE

PROPERTY OWNER

MAILING ADDRESS 1

MAILING ADDRESS 2

EMAIL

PHONE

SIGNATURE OF OWNER OR AGENT

DATE

PROPERTY INFORMATION

ADDRESS

TMS #

ZONING DISTRICT DESIGNATION

DESCRIPTION OF PROPOSED USE

Provide details for each of the following, as applicable:

OPERATING PLAN.

- 1) TYPE OF USE (RESTAURANT, NIGHTCLUB, EVENT VENUE, ETC.)
- 2) DAYS AND HOURS OF OPERATION
- 3) STAFFING SCHEDULE
- 4) KITCHEN EQUIPMENT SCHEDULE
- 5) MENU AND HOURS OF FOOD SERVICE
- 6) PARKING FOR CUSTOMERS AND EMPLOYEES
- 7) DESIGNATED SMOKING AREA
- 8) TYPE OF ENTERTAINMENT AND DURATION
- 9) CLOSING / "LAST CALL" PROCEDURES

SECURITY PROCEDURES.

- 1) NUMBER AND TYPE OF DESIGNATED SECURITY STAFF
- 2) TRAINING / CERTIFICATION OF STAFF
- 3) SPECIFIC DUTIES / RESPONSIBILITIES OF STAFF
- 4) ENTRY / EXIT / RE-ENTRY PROCEDURES
- 5) CROWD MANAGEMENT
- 6) CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

SEATING PLAN.

- 1) PROVIDE A FLOOR PLAN, DRAWN TO SCALE, BY A REGISTERED SOUTH CAROLINA ARCHITECT. THE PLAN MUST DEMONSTRATE THE PROPOSED OCCUPANCY WITH CALCULATIONS BASED ON THE CURRENT ADOPTED BUILDING CODE.
- 2) SCHEDULE A FEASIBILITY INSPECTION OF THE PROPERTY: 864.467.4457

BUSINESS PLAN.

- 1) BUSINESS PLAN SUMMARY: TARGET AUDIENCE, THEME, OBJECTIVES / GOALS
- 2) PROJECTED REVENUE: % ALCOHOL VS. FOOD SALES
- 3) FEES FOR ENTRY / MEMBERSHIP / ENTERTAINMENT
- 4) STATUS OF CITY BUSINESS LICENSE APPLICATION
- 5) STATUS OF SCDHEC 'RETAIL FOOD ESTABLISHMENT' PERMIT, IF APPLICABLE
- 6) STATUS OF ABL-901 APPLICATION TO SC DEPARTMENT OF REVENUE
- 7) PROVIDE DOCUMENTATION THAT SLED REQUIREMENTS HAVE BEEN MET

Brazwells Premium Pub
631 South Mainstreet, Greenville, SC 29601

1. Business Plan:

History: Brazwells Premium Pub Montford was established by The Bottle Cap Group in 1969 and recently opened a location in Ballantyne, NC in 2015.

Target Market: Primary: Business Cliental, Female & Males 25-65 years of age
Secondary: Family's of all ages

Slogan: Food, Fun, and Spirits

Objective/Theme: Full service restaurants and pub with a modern look offers friendly bartenders, generous drinks, great bar-food and a happening scene on our outdoor patio. Restaurant will serve lunch, dinner, late night and weekend Brunch. Guests can expect live music, monthly and daily food/drink specials, fun atmosphere and multiple television screens for game watching.

2. **Projected Revenue:** 175,000 month 30% alcohol 70% food
3. **Fees for Entry/Membership/Entertainment:** Brazwells Premium Pub will not have an entry fee or membership.
4. **Status of city business license application:** The Greenville City Business License has been submitted
5. **SCDHEC "Retail Food Establishment":** The SCDHEC as been submitted.
6. **Status of ABL-901 Application to SC Department of Revenue:** The ABL-901 Application has been submitted
7. **Documentation for Sled Requirements:** SLED documentation is pending approval.

Operating Plan

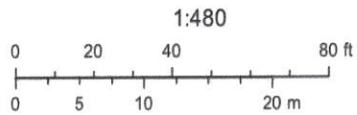
1. **Type of Use:** Brazwells is a full service restaurant.
2. **Days and Hours:** Restaurant will be ppen 7 days a week from 11 am to 2am
3. **Staffing Schedule:** Approximately 45 employees on staff. Employees will be working 9 am to 3 am.
4. **Kitchen Equipment Schedule**
5. **Menu & Hours of Food Service:** Food Service hours will be from 11 am to 2 am. For Menu, please see attached.
6. **Parking for Customers and Employees:** Customers and employees will park in private lot next to building, along with street side parking.
7. **Designated Smoking Area:** Smoking Area outside in front of restaurant away from customers to be in compliance with ordinance.
8. **Type of Entertainment and Duration:** Brazwells's entertainment includes lunch, dinner, weekend brunch and sports viewing.
9. **Closing/Last Call Procedure:** Last call with be at 1:30, closing with be at 2 am to be in compliance with all SLED laws.

Security Procedures

1. **Number and Type of Designated Security Staff:** We will have approximately 3-security personnel from 10 pm to 3:30 am. Their main priority will be safety for customers and staff.
2. **Training/Certification of Staff:** All Security staff will be professionally trained, including First Aid & CPR certified.
3. **Specific Duties/Responsibilities of Staff:** Security duties will include checking ID's, no one underage will be permitted after 10 pm, making sure no one exits facility with alcohol, calling cabs for anyone who should not be driving, overseeing the safety of all patrons, assuring everyone has an enjoyable experience.
4. **Entry/Exit/Re-Entry:** After 10 pm anyone under 21 will be asked to leave. Guests will be carded upon entry and re-entry after 10 pm. Security will assure that we do not exceed capacity.
5. **Crowd Management:** Well-lit signs above all exits. Radio equipment will be provided for all security. All major walkways will be kept clear. Pre-established emergency plan for all staff will be implemented.
6. **Crime Prevention through Environmental Design:** Highly visible entry and exit. We have 24/7 video surveillance cameras throughout the entire restaurant and kitchen. Fences surrounding patio.



October 10, 2015



Greenville County GIS
Greenville County South Carolina GIS Division

